ENROLLED ORDINANCE 161-1

AMEND THE DISTRICT ZONING MAP OF THE WAUKESHA COUNTY SHORELAND AND FLOODLAND PROTECTION ORDINANCE AND THE WAUKESHA COUNTY ZONING CODE, FOR THE TOWN OF VERNON BY CONDITIONALLY REZONING CERTAIN LANDS LOCATED IN PART OF THE SW ¼ OF SECTION 34 AND THE E ½ OF SECTION 33, T5N, R19E, TOWN OF VERNON, WAUKESHA COUNTY, WISCONSIN, FROM THE AD-10 AGRICULTURAL DENSITY-10, A-E EXCLUSIVE AGRICULTURAL CONSERVANCY AND C-1 CONSERVANCY DISTRICTS TO THE A-3 SUBURBAN ESTATE AND THE C-1 CONSERVANCY DISTRICTS (SCZ-1607)

WHEREAS the subject matter of this Ordinance having been duly referred to and considered by the Waukesha County Park and Planning Commission, after Public Hearing, and the giving of requisite notice of said hearing, and a recommendation for approval thereon reported to the Land Use, Parks and Environmental Committee, and the Waukesha County Board of Supervisors, Waukesha County, Wisconsin, as required by Section 59.69 of the Wisconsin State Statutes.

THE COUNTY BOARD OF SUPERVISORS OF THE COUNTY OF WAUKESHA DOES ORDAIN that the Waukesha County Shoreland and Floodland Protection Ordinance adopted on June 23, 1970, and the Waukesha County Zoning Code adopted on February 26, 1959, for the Town of Vernon, Waukesha County, Wisconsin, are hereby amended to conditionally rezone certain lands located in part of the SW ¼ of Section 34 and the E ½ of Section 33, T5N, R19E, Town of Vernon, Waukesha County, Wisconsin, from the AD-10 Agricultural Density-10, A-E Exclusive Agricultural Conservancy and C-1 Conservancy Districts to the A-3 Suburban Estate and the C-1 Conservancy Districts, and more specifically described in the "Staff Report and Recommendation" and map on file in the office of the Waukesha County Department of Parks and Land Use, and made a part of this Ordinance by reference (SCZ-1607), subject to the following conditions:

- 1. The proposed development shall have no more than 19 residential units and be in substantial conformity with the conceptual drawings used to award the Residential Development Permits, currently on file with the Town of Vernon. No assurance of said Final Plat approval is included herein.
- 2. Any deviation in the development pattern deemed by the Town Plan Commission to be a substantial change from the conceptual drawings used to award the Residential Development Permits, currently on file with the Town of Vernon, shall require a new rezoning approval, including a new rezoning application and public hearing in accordance with Wisconsin Statutes 62.23.
- 3. The plat shall be deed restricted against any further division of any lot or outlot. Said Deed Restriction shall be in a form as approved by the Town Attorney and the Waukesha County Planning and Zoning Division Staff.
- 4. The plat shall be deed restricted against construction of any building or structure on any outlot. Said Deed Restriction shall be in a form as approved by the Town Attorney and the Waukesha County Planning and Zoning Division Staff.

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- 5. All accessory buildings over 900 sq. ft. shall be deed restricted in a form as approved by the Town Attorney giving notice that the accessory buildings cannot be used for any commercial or industrial purpose.
- 6. All accessory buildings are prohibited from housing livestock or poultry, as defined in the Waukesha County Zoning Code or its successor codes, and shall be deed restricted in a form as approved by the Town Attorney and the Waukesha County Planning and Zoning Division Staff.
- 7. Prior to the rezoning being in full force, the applicant shall obtain approval of soil boring logs and data from the Waukesha County Planning and Zoning Division and the Town Engineer. Such borings and logs must demonstrate that the soil conditions on Lots 1-19 are suitable for residential development with on site sanitation systems. Said soil logs and data must also demonstrate that there are no basement elevation restrictions caused by hydric soil conditions, seasonal groundwater conditions or any other condition deemed unacceptable by the Planning and Zoning Division Staff or the Town. No assurance of sanitary systems or basement elevation approval is included herein.
- 8. Prior to approval being in full force and effect, the applicant shall obtain approval of a Grading, Drainage, Erosion and Stormwater Management Plan for the plat, in accordance with the Waukesha County Stormwater Management and Erosion Control Ordinance. In addition to compliance with such ordinances and regulations such plans must, at a minimum, address the following:
 - a. Ditching and drainage within the Center Drive right-of-way and remedy of defect.
 - b. Cross culvert design and remedy of defect.
 - c. Retention of offsite flow volumes passing onto the development site from other upstream properties, and retention of said flow volumes prior to controlled discharge to the east.
 - d. No assurance of Grading, Drainage, Erosion Control and Stormwater Management Plan approval is included herein.
- 9. Prior to the rezoning being in full force and effect, the applicant shall receive approval of street construction plans for the plat and for Center Drive reconstruction, in accordance with the Town of Vernon Land Division and Development Control Ordinance and applicable Town regulations. In addition to compliance with said ordinance and regulations, said plans must, at a minimum, also address and correct:
 - a. Width of pavement from the centerline of Center Drive to the west shoulder, and remedy of defect.
 - b. Ditching and grading along Center Drive, and remedy of defect.
 - c. Acceleration and deceleration lanes at proposed intersections.

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- d. Boulevard entrance features for new streets intersecting the west right-of-way line of Center Drive.
- e. No assurance of street construction or reconstruction plan approval is included herein.
- 10. Prior to the rezoning being in full force and effect, the applicant must submit to the Town Planner and the Waukesha County Planning and Zoning Division Staff written evidence that the Wisconsin Department of Natural Resources (DNR) has waived the requirements to provide a public access to navigable waters, more specifically being the drainage canals which are within the plat boundaries. No assurance of DNR waiver is included herein. If said evidence of waiver is not received, this rezoning will only be in full force and effect upon the Final Plats compliance with the DNR provisions regarding a 60-foot public access to navigable waterways.
- 11. Prior to the rezoning being in full force and effect, the Town of Vernon Master Plan must be amended under Wisconsin Statutes 62.23 to depict the property as Rural Residential, 5-acre density, and no assurance of Master Plan approval is included herein.
- 12. Prior to submittal of the Preliminary Plat, there must be documentation whether there are any drain tiles on the subject property.
- 13. A statement shall be placed on the face of the Final Plat and in the Deed Restrictions in a form approved by the Town Attorney and the Waukesha County Planning and Zoning Division Staff, indicating that the ownership of all outlots, which initially will be owned by Lot 5, may only be transferred to an adjacent property owner with a Certified Survey Map approved by the Town of Vernon and Waukesha County.
- 14. The cross culvert under Center Drive must be designed to accommodate a 100 year storm.
- 15. The applicant has one (1) year to satisfy all the above conditions. The force and effect of the rezoning conditionally approved herein shall be subject to the developer satisfying all of the aforementioned conditions within one (1) year of granting this conditional approval by the Waukesha County Board. Failure to meet all above stated conditions will result in the rezoning of the property reverting to the AD-10 Agricultural Density-10 District.

BE IT FURTHER ORDAINED that the Waukesha County Clerk shall file a certified copy of this Ordinance with the Town Clerk of Vernon.

BE IT FURTHER ORDAINED that this Ordinance shall be in full force and effect upon passage, approval and publication.

BE IT FURTHER ORDAINED that all Ordinances inconsistent with or in contravention of the provisions of this Ordinance are hereby repealed.

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AMEND THE DISTRICT ZONING MAP OF THE WAUKESHA COUNTY SHORELAND AND FLOODLAND PROTECTION ORDINANCE AND THE WAUKESHA COUNTY ZONING CODE, FOR THE TOWN OF VERNON BY CONDITIONALLY REZONING CERTAIN LANDS LOCATED IN PART OF THE SW ¼ OF SECTION 34 AND THE E ½ OF SECTION 33, T5N, R19E, TOWN OF VERNON, WAUKESHA COUNTY, WISCONSIN, FROM THE AD-10 AGRICULTURAL DENSITY-10, A-E EXCLUSIVE AGRICULTURAL CONSERVANCY AND C-1 CONSERVANCY DISTRICTS TO THE A-3 SUBURBAN ESTATE AND THE C-1 CONSERVANCY DISTRICTS (SCZ-1607)

Precented by:

Land Use, Parks, and Environment Committee
William A. Mitchell, Chair
Keith Hamarit
Keith Harenda Absent
Pauline T. Jaske Walter L. Kolb
Vera Stroud Vera Stroud
Peter M. Wolff
The foregoing legislation adopted by the County Board of Supervisors of Waukesha County Wisconsin, was presented to the County Executive on:
Date: 5/26/06 , Kathy Milkeles Kathy Nickolaus, County Clerk
The foregoing legislation adopted by the County Board of Supervisors of Waukesha County Wisconsin, is hereby: Approved: X Vetoed:
Daniel P. Vrakas, County Executive

161-0-001

EXHIBIT "A"

PROPOSED PLAN COMMISSION CONDITIONS OF APPROVAL CREEKSIDE ESTATES CONDITIONAL REZONE TO A-3 AND C-1 ATTORNEY APPROVED MARCH 20, 2006

- a. The rezoning shall not be in full force and effect until the Town of Vernon Planning Commission and County Zoning Agency have approved and recorded the Final Plat of Creekside Estates, and said final plat shall have no more than 19 residential dwelling units, in substantially the same form as the conceptual drawings used to award Residential Development Permits, currently on file with the Town of Vernon. No assurance of said final plat approval is included herein.
- b. Any deviation in the development pattern deemed by the Plan Commission to be a substantial change from the conceptual drawings used to award Residential Development Permits, currently on file with the Town of Vernon shall require a new rezoning approval including a new rezoning application and public hearing in accordance with Wisconsin Statutes 62.23.
- c. The plat shall be deed restricted against any further division of any lot or outlot. Said deed restriction shall be in a form as approved by the Town Attorney.
- d. The plat shall be deed restricted against the construction of any building or structure on any outlot. Said deed restriction shall be in a form as approved by the Town Attorney.
- e. All accessory building over 900 square feet shall be deed restricted in a form as approved by the Town Attorney giving notice that the accessory building cannot be used for any commercial or industrial purpose.
- f. All accessory buildings are prohibited from housing livestock or poultry as defined in the Waukesha County Zoning Code or its successor Codes, and shall be deed restricted in a form as approved by the Town Attorney.
- g. Prior to the rezoning being in full force and effect, the applicant shall obtain approval of soil boring logs and data from the County Zoning Agency and Town Engineer. Such borings and logs must demonstrate that the soil conditions on Lots 1-19 are suitable for residential development with approvable on site sanitation systems. Said soil logs and data must also demonstrate that there are no basement elevation restrictions caused by hydric soil conditions, seasonal high ground water conditions, or any other condition deemed unacceptable by the County Zoning Agency or Town. No assurance of sanitary systems or basement elevation approval is included herein.
- h. Prior to the rezoning being in full force and effect, the applicant shall obtain approval of grading, drainage, erosion control and stormwater management plans for the plat, in accordance with the Waukesha County ordinances and regulations. In addition to compliance with said ordinances and regulations, said plans must, at a minimum, also address and correct:
 - Ditching and drainage within the Center Drive right-of-way and remedy of defect.
 - ii. Cross culvert design and remedy of defect.
 - iii. Retention of off site flow volumes passing onto the development site from other upstream properties, and retention of said flow volumes prior to controlled discharge to the east.

No assurance of grading, drainage, erosion control and stormwater management plan approval is included herein.

EXHIBIT "A"

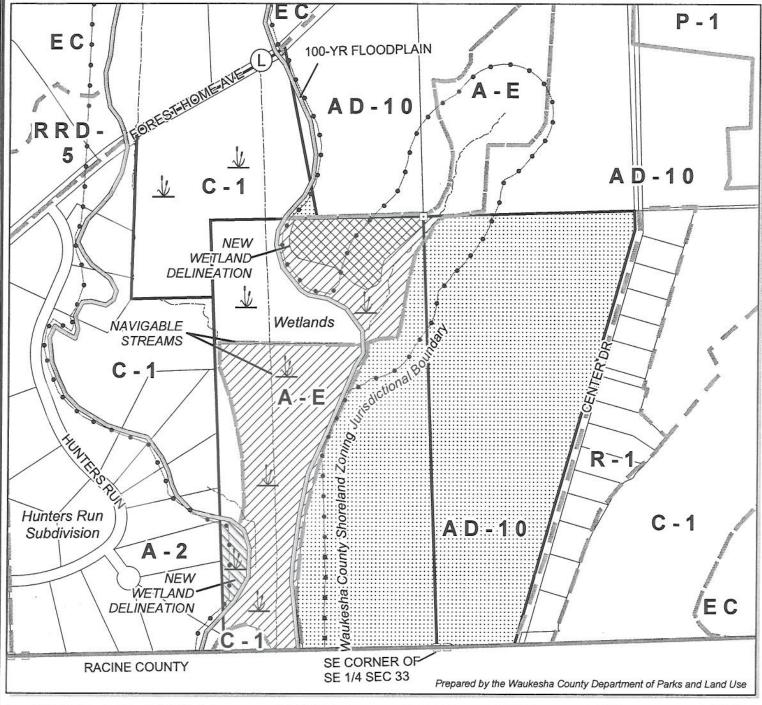
- i. Prior to the rezoning being in full force and effect, the applicant shall receive approval of street construction plans for the plat and for Center Drive reconstruction, in accordance with the Town of Vernon Land Division and Development Control Ordinance and applicable Town regulations. In addition to compliance with said ordinances and regulations, said plans must, at a minimum, also address and correct:
 - Width of pavement from the centerline of Center Drive to the west shoulder, and remedy of defect.
 - ii. Ditching and grading along Center Drive, and remedy of defect.
 - iii. Acceleration and deceleration lanes at proposed intersections.
 - Boulevard entrance features for new streets intersecting the west right-of-way line of Center Drive.

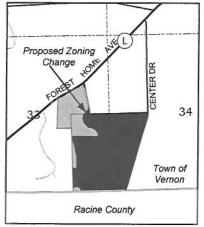
No assurance of street construction or reconstruction plan approval is included herein.

- j. Prior to the rezoning being in full force and effect, the applicant must provide the Town Planner and County Zoning Agency written evidence that the Wisconsin DNR has waived the requirements to provide public access to navigable waters, more specifically being the drainage canals which are within the plat boundaries. No assurance of DNR waiver is included herein. If said evidence of waiver is not received, this rezoning will only be inn full force and effect upon the final plats compliance with the DNR provisions regarding public access to navigable water ways.
- k. Prior to the rezoning being in full force and effect, the Town of Vernon Master Plan must be amended under Wisconsin Statutes 62.23 to depict the property as Rural Residential, 5 acre density, and no assurance of Master Plan approval is included herein.
- Professional Fees. Applicant shall, on demand, reimburse the Town of Vernon for all costs and
 expenses of any type that the Town incurs in connection with this development, including the cost
 of professional services incurred by the Town (including engineering, legal, planning and other
 consulting fees) for the review and preparation of required documents or attendance at meetings
 or other related professional services for this application, as well as to enforce the conditions in
 this conditional approval due to a violation of these conditions.
- m. Payment of Charges. Any unpaid bills owed to the Town of Vernon by the Subject Property Owner or his or her agents, tenants, operators or occupants, for reimbursement of professional fees (as described above); or for personal property taxes; or for real property taxes; or for licenses, permit fees or any other fees owed to the Town; shall be placed upon the tax roll for the Subject Property if not paid within thirty (30) days of the billing by the Town, pursuant to Section 66.0627, Wisconsin Statutes. Such unpaid bills also constitute a breach of the requirements of this conditional approval that is subject to all remedies available to the Town, including possible cause for termination of the conditional approval.
- n. One year to satisfy conditions. The force and effect of the zoning conditionally approved herein shall be subject to the Developer satisfying all of the aforementioned conditions within one (1) year of granting this conditional approval.

ZONING MAP AMENDMENT

PART OF THE E 1/2 OF SECTION 33 & SW 1/4 SECTION 34 TOWN OF VERNON





	SE 1/4 SEC 33	Prepared by the Waukesha County	Department of P	arks and L	and Use
	OND. SHORELAND AND	COUNTY ZONING CHANGE F	ROM AD-10	ГО А-3 (88.2 AC)
₩ c	OND. SHORELAND AND	COUNTY ZONING CHANGE F	ROM A-E TO	A-3 (5.3	AC)
SI	HORELAND AND COUNT	TY ZONING CHANGE FROM A-	E TO C-1 (27	.7 AC)	
M SI	HORELAND AND COUNT	TY ZONING CHANGE FROM A-	2 TO C-1 (1.8	BAC)	
FILE		SCZ-1607		Λ	
DATE		04-06-06		N	
AREA OF CH	ANGE	123 ACRES	1 inch	equals 6	00 feet
TAX KEY NU	MBERVNT 2145.	997, 2148.999 & 2151.996	0	300	Feet 600

WAUKESHA COUNTY BOARD OF SUPERVISORS

V

DATE-05/23/06	(ORD) NUMBER-1610001
1 K. HERROAYE 3 T. ROLFSAYE 5 J. MARCHESEAYE 7 J. JESKEWITZAYE 9 P. HAUKOHLAYE 11 K. HARENDAAYE 13 J. MORRISAYE	2 R. THELEN
17 J. BEHRENDAYE 19 W. MITCHELLAYE	18 B. MORRISAYE 20 P. WOLFF
21 W. KOLBAYE 23 J. TORTOMASIAYE	22 G. BRUCEAYE 24 B. KRAMERAYE
25 K. CUMMINGSAYE 27 D. PAULSONAYE	26 F. RUFAYE 28 P. JASKEAYE
29 T. BULLERMANNAYE 31 V. STROUDAYE	30 K. NILSONNAY 32 P. GUNDRUMAYE
33 K. HAMMITAYE	34 R. SINGERTAYE
TOTAL AYES-33	TOTAL NAYS-01
CARRIED X	DEFEATED
UNANIMOUS	TOTAL VOTES-34